

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1179

AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 24-1-1-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.1. The attorney general may bring an action on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a violation of this chapter.**

SECTION 2. IC 24-1-1-5.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.2. (a) The attorney general may bring an action in a county on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a violation of this chapter.**

(b) An action brought under this section may be brought, without respect to the amount in controversy, in a circuit or superior court in a county in which the defendant resides or is engaged in business, or in which service may be obtained.

(c) The plaintiff in an action brought under this section is entitled to recover a penalty of threefold the damages awarded in the action, plus reasonable costs and attorney's fees.

SECTION 3. IC 24-1-2-5.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: **Sec. 5.1. The attorney general may bring an action on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a violation of this chapter.**

SECTION 4. IC 24-1-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) Any person ~~who shall be~~ injured in his ~~whose~~ business or property ~~is injured~~ by any person or corporation by reason of the doing by any person or persons of anything forbidden or declared to be unlawful by a violation of this chapter may sue therefor ~~bring an action~~ in the circuit or superior court of any county in which the defendant ~~or defendants or any of them; reside~~ **resides** or ~~are~~ **is** found without respect to the amount in controversy, and ~~shall~~ **is entitled to** recover a penalty of threefold the damages ~~which may be sustained~~ **awarded in the action**, together with the costs of suit, including a reasonable attorney's ~~fee~~ **fees**.**

(b) The attorney general may bring an action under this section on behalf of the state or a political subdivision if the state or political subdivision has been directly or indirectly injured by a violation of this section.

SECTION 5. IC 24-1-3-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.1. **The attorney general may bring an action on behalf of the state or a political subdivision (as defined in IC 34-6-2-110) for injuries or damages sustained directly or indirectly as a result of a:**

- (1) contract or combination described in section 1 of this chapter; or**
- (2) violation of this chapter.**

SECTION 6. IC 24-1-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) Any person who ~~shall~~ by any such ~~has suffered injuries or damages as a result of a~~ contract or combination ~~as set out described~~ in section 1 of this chapter, ~~be~~ injured or damaged in his business thereby, or by reason of anything forbidden or declared by this chapter to be unlawful, may maintain a suit therefor in any or by any other violation of this chapter, may ~~bring an action in a circuit or superior court having jurisdiction thereof in the county where the defendant resides or in which he is engaged in business, or in any county where service may be obtained, without respect to the amount in controversy. and the~~ **The plaintiff in any such an action brought under this section shall be** ~~is~~ **is entitled to** recover ~~at his~~ **threefold damages awarded in the action, plus reasonable costs and a reasonable attorney's fee fees. therein.****

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(b) The attorney general may bring an action under this section on behalf of the state or a political subdivision.

SECTION 7. IC 24-1-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. **(a) Any person or persons or corporations that may be injured or damaged by any such who has suffered injuries or damages as a result of an arrangement, contract, agreement, trust, or combination described in section 1 of this chapter may sue for and recover bring an action in any court of competent jurisdiction in this state of any person, persons, or corporations operating such trust or combination to recover the full consideration or sum paid by him or them the person for any goods, wares or merchandise, or article the sale of which is controlled by such the combination or trust. In addition, the person is entitled to recover a penalty of threefold the damages awarded in the action, plus reasonable costs and attorney's fees.**

(b) The attorney general may bring an action under this section on behalf of the state or a political subdivision.

SECTION 8. IC 24-1-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **The attorney general may bring an action on behalf of the state or any political subdivision (as defined in IC 34-6-2-110) that has been directly or indirectly injured or damaged by:**

- (1) an arrangement, agreement, trust, or combination described in section 1 of this chapter; or**
- (2) any other violation of this chapter.**

SECTION 9. **An emergency is declared for this act.**

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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